

REMARKS

Claims 1-3 and 5 were rejected under 35 U.S.C. § 103(a), as being obvious over Takanobu et al. (JP 2002-105433), Wataru et al. (JP 05-017538) or Naoki et al. (JP 11-124419), each individually in view of Ohmori et al. (EP 247,489 A2) and/or Tsunenori et al. (JP 2003154307).

The grounds for rejection remain the same as set forth in the final Office Action of October 16, 2008.

In the Response filed February 17, 2009, incorporated herein by reference, Applicants submitted supplemental test data in a Declaration under 37 C.F.R. §1.132 dated January 19, 2009 as establishing criticality of the upper limit of 6 carbon atoms for the Rf group.

In Response to Applicants' arguments, at page 2 of the Advisor Action dated March 4, 2009, the Examiner indicates that "the affidavit, exhibit or request for reconsideration has been considered; however, it does not place the application for allowance after final action" because

(i) the range 1-6 carbon atoms still "at least partially" overlap with the carbon atom numbers (2-31 or 6-12) used by references,

(ii) Takanobu has used a fluoroalkyl having C2-31 in formula (1) of the abstract, while each of Wataru and Naoki has used C6-12 fluoroalkyl group-containing fluoroalkyl acrylate monomer as monomer (A), and

(iii) Applicants' results may be obtained from the use of -C-CO-C(Cl)=CH₂ or -C-CO-C(F)=CH₂ in comparison with -C-CO-CH=CH₂ (see comparative examples 1 and 2), and from the use of Rf being C1-6 in comparison with C>6.

RESPONSE UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/559,810

Attorney Docket No.: Q91902

Although Applicants believe that the test data submitted to date establishes patentability of the present claims over the cited references for the reasons set forth in the response filed February 17, 2009, Applicants request additional time to consider and address the Examiner's comments as set forth in the Advisory Action dated March 4, 2009, and therefore request a Suspension of Action of three (3) months for the same.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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